

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RITZ CAMERA & IMAGE, LLC, a
Delaware Limited Liability Company,

On Behalf of Itself and Others Similarly
Situating,

Plaintiff,

vs.

SANDISK CORPORATION,

Defendant.

Case No: C 10-02787 SBA

**ORDER DENYING MOTION
TO TRANSFER INTEREST**

Docket 104, 112

On February 20, 2013, Plaintiff Ritz Camera & Image, LLC ("Plaintiff") filed a motion to transfer plaintiff's interest under Rule 25(c) of the Federal Rules of Civil Procedure, which was not noticed for hearing. Dkt. 104. Plaintiff's failure to file a properly noticed motion violates the Civil Local Rules governing motion practice. See Civ. L.R. 7-1(a), 7-2(a), 7-2(b). In general, "[a]ny written request to the Court for an order must be presented by . . . [d]uly noticed motion pursuant to Civil L.R. 7-2." Civ. L.R. 7-1(a). Except as otherwise ordered or permitted by the assigned Judge or the Local Rules, "all motions must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after service of the motion." Civ. L.R. 7-2(a). A motion must contain, among other things, "notice of the motion, including date and time of hearing" in the first paragraph. Civ. L.R. 7-2(b).

Plaintiff's motion also fails to comply with Rule 25(c), which requires a party filing a motion to transfer interest to serve the motion as provided in Rule 25(a)(3). Fed.R.Civ.P.

1 25(c). Under Rule 25(a)(3), a motion to transfer interest, "together with a *notice of hearing*,
2 must be served on the parties as provided in Rule 5 and on nonparties as provided in Rule
3 4." Fed.R.Civ.P. 25(a)(3) (emphasis added).

4 Accordingly,


5 IT IS HEREBY ORDERED THAT:

6 1. Plaintiff's motion to transfer Plaintiff's interest is DENIED without prejudice
7 to the refiling of a motion that complies with the Court's Civil Local Rules and Rule 25(c).

8 2. This Order terminates Docket 104 and Docket 112.

9 IT IS SO ORDERED.

10 Dated: 3/18/13

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12 SAUNDRA BROWN ARMSTRONG
13 United States District Judge
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